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13 **MARICOPA COUNTY SUPERIOR COURT**

14 **STATE OF ARIZONA, BY AND**
15 **THROUGH THE ARIZONA**
16 **DEPARTMENT OF HEALTH**
17 **SERVICES,**

18 **Plaintiff,**

19 **vs.**

20 **METRO SPORTS BAR AND**
21 **RESTAURANT, INCORPORATED, an**
22 **Arizona corporation, dba METRO**
23 **SPORTZ BAR; ED AND AL, INC. an**
24 **Arizona corporation, dba BOOMERANG**
25 **BAR AND BILLIARDS and dba RIVER**
CITY POCKETS; MAVERICK
SALOON, INC. an Arizona corporation,
dba MAVERICK SALOON; ALFONSO
A. LARRIVA; ALFONSO RUIZ,

Defendants.

COPY

JAN 18 2008



MICHAEL K. JAMES, CLERK
M. MEJA
DEPUTY CLERK

No. CV2007-008303

STIPULATION FOR ENTRY OF A
FINAL ORDER FOR
PERMANENT INJUNCTION
AND FOR
CIVIL PENALTIES AGAINST
DEFENDANTS

Assigned to the
Honorable Pendleton Gaines

1 Plaintiff, State of Arizona, by and through the Arizona Department of Health
2 Services (hereinafter "Department"), and Defendants, Metro Sports Bar and Restaurant,
3 Incorporated, an Arizona corporation, dba Metro Sportz Bar; Ed and Al, Inc., an Arizona
4 corporation, dba Boomerang Bar and Billiards and dba River City Pockets; Maverick
5 Saloon, Inc., an Arizona corporation, dba Maverick Saloon; Alfonso A. Larriva; and
6 Alfonso Ruiz, (collectively "Defendants"), hereby submit this "Stipulation For Entry Of
7 An Order For Permanent Injunction And For Civil Penalties Against Defendants"
8 ("Stipulation") to document their intention to settle this case. The Stipulation requests
9 the issuance of a final order for entry of a Permanent Injunction and an award of Civil
10 Penalties in the amount of \$10,000 against Defendants, jointly and severally, all parties to
11 bear their own costs and attorneys fees. This Stipulation is supported by the following
12 facts:

13 1. Plaintiff filed this lawsuit against Defendants seeking the entry of a Preliminary
14 and Permanent Injunction and for Civil Penalties against Defendants for alleged
15 violations of the Smoke-Free Arizona Act ("the Act");

16 2. Defendants disputed that their businesses were "enclosed areas" so as to be subject
17 to the Act;

18 3. After an evidentiary hearing, on June 29, 2007, the Court issued a Preliminary
19 Injunction;

20 4. The parties have a mandatory Settlement Conference set before Judge Pro Tem
21 Lori Horn on January 10, 2008 and, recognizing the uncertainty of litigation and the
22 desire to conserve time and resources, desire to fully resolve this case before incurring
23 additional costs and fees;
24
25

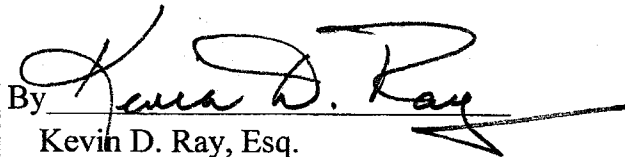
1 5. The parties have entered into a Settlement Agreement that documents their
2 agreement to settle this case; a copy of which is attached as Exhibit 1 and incorporated
3 herein by reference; and

4 6. The parties have also reviewed and approved the language contained in the Final
5 Order for Permanent Injunction and Award of Civil Penalties submitted with this
6 Stipulation.

7 THEREFORE, the parties request that the Court accept this Stipulation and enter
8 the Final Order for Permanent Injunction and Award of Civil Penalties submitted with
9 this Stipulation.

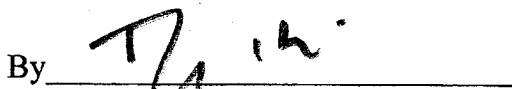
10 Dated this 18 day of ~~December~~ JANUARY, 2008.

11
12 OFFICE OF THE ATTORNEY GENERAL

13
14 By 

15 Kevin D. Ray, Esq.
16 Assistant Attorney General
17 1275 West Washington
Phoenix, AZ 85007
Attorneys for Plaintiff

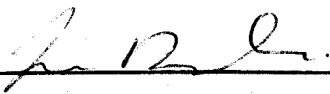
18 MAYNARD CRONIN ERICKSON CURRAN & SPARKS

19
20 By 

21 Douglas C. Erickson, Esq.
22 3200 North Central Avenue, Suite 1800
Phoenix, AZ 85012
Attorneys for Defendants

1 ORIGINAL of the foregoing delivered this
2 18th day of January, 2008, to:

3 Hon. Pendleton Gaines, Judge
4 Maricopa County Superior Court
5 East Court Building - 814
6 101 W. Jefferson
7 Phoenix, AZ. 85003-2243

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